



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: July 28, 2004 REPORT NO. HO 04-112

ATTENTION: Hearing Officer

SUBJECT: MUSICO RESIDENCE
PTS PROJECT NUMBER: 2890

LOCATION: 4182 Rochester Road

APPLICANT: Rowena Musico

SUMMARY

Requested Action - Should the Hearing Officer approve Neighborhood Use Permit No. 5071 and Variance No. 128476 to convert a 560 square foot portion of an existing detached 848 square foot workshop/garage to guest quarters and the addition of a 193 square foot deck, with a variance to allow tandem parking for two spaces, where tandem parking is not allowed?

Staff Recommendation -

1. CERTIFY Negative Declaration No. 2890; and
2. APPROVE Neighborhood Use Permit No. 5071 and Variance No. 128476.

Community Planning Group Recommendation – On January 14, 2004, the Kensington-Talmadge Planning Committee voted 7-5 to approve the Variance request. Although the project had been discussed at many meetings, a formal vote on the Neighborhood Use Permit was not accomplished. The meeting minutes and documentation of events is discussed later in the report and included as Attachment 6.

Environmental Review – Negative Declaration No. 2890 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

BACKGROUND

The proposed development is located within the RS-1-7 and OR-1-1 Zones of the Central Urbanized Planned District within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan area. The project site is located at 4182 Rochester Road, north of Norfolk Terrace, south of Hilldale Road, west of 43rd Street, east of Marlborough Drive and adjacent and north of Rochester Road. The project is surrounded on the north, south, east and west by residential properties. The topography for the existing developed site is relatively flat with the northern portion of the property steeply sloping to the northeast with a grade difference of 57 feet. The proposed workshop conversion to guest quarters would occur in a previously conforming structure where the only new construction is the addition of a 193 square foot deck which imposes no disturbance of the slope below, and therefore exempt from the Environmentally Sensitive Lands Ordinance.

In March of 2002, the project to convert an existing workshop to guest quarters was submitted to the City for review. On April 11, 2002, a Notice of Future Decision was mailed to owners and residents within 300 feet of the project describing the project. That notice was correct in the project description as a Neighborhood Use Permit.

Development Services also provides a hard Notice of Future Decision for posting by the applicant at the time of application. That notice is typed by hand. On January 13, 2003, staff was notified by a citizen, Roger Utt, that the posted notice had the incorrect permit type. A new Notice of Future Decision was mailed to the applicant to post within days.

Since the original application, the project has added at the request of staff, an application for a variance to allow tandem parking. Due to the additional permit request an updated Notice of Application was mailed on July 17, 2003, to residents and owners within 300 feet of the project site.

The project site has been the subject of intense scrutiny regarding the previously conforming status of the workshop addition to the existing garage. The Assessor's Residential Building Record contains notes that the structure was built in 1982 and that the owner provided copies of the plans. A permit number, however, is not present. Neighborhood Code Compliance Department (NCCD) first investigated the site on August 15, 1996, with the conclusion that the structure was permitted (Attachment 7).

The City is not always able to retrieve plans or copies of the plans. The City generally is able to obtain some permit information from a copy of the permit application. The City has not been able to access any information regarding permits for the construction of this structure.

The structure built in 1982 could have been built at that location and of that size. Based on NCCD's inspection, the existing construction meets construction standards. In this circumstance, NCCD recommended to the current owner of the structure to submit "as built" plans to the City, apply for final on the structure and obtain an electrical permit for the existing electrical. The interior is in the framed stage and easily accommodates inspection. NCCD did not initiate enforcement action regarding the structure since the current owner is in the permit process.

On April 23, 2003, Building Permit No. C302848-03 was issued for the as-built accessory structure. The permit has been finalized as in compliance with building codes.

DISCUSSION

Project Description

The proposed project is the conversion of a 560 square foot previously conforming workshop to guest quarters with the addition of a 193 square foot deck that projects from the structure. The proposed additional parking space required for the guest quarters would be provided as a tandem space in the driveway behind the previously conforming single-car garage. A variance is proposed for the consideration of the tandem space as two legal off-street parking spaces where tandem parking is not allowed. The project also proposes a Multiple Habitat Planning Area (MHPA) boundary correction to remove portions of the site previously disturbed from the MHPA. The wildlife agencies have approved this correction.

Parking requirements for the proposed project is two on-site parking spaces. The existing site is previously conforming with respect to parking and currently one-space is all that the project requires. One on-site space is required for the existing single family residence and one on-site space is required for the proposed guest quarters. The existing garage provides one on-site parking space.

Community Plan Consistency

The project site is located at 4182 Rochester Road in the RS-1-7 and OR-1-1 zones of the Central Urbanized Planned District within the Kensington-Talmadge Neighborhood of the Mid-City Communities Plan area. The site is designated in the Plan for single-family residential development and open space. The proposed guest quarters is an accessory use to single unit development and is therefore consistent with the designation. Surrounding uses to the proposed project site include single dwelling units and a canyon/open space to the north. The proposed workshop conversion to a guest quarters would occur in a previously conforming structure with the only new construction the addition of a 193 square foot deck which imposes no disturbance of the slope below.

Project Analysis

The proposed project has been through intense scrutiny by both the community of Kensington-Talmadge and City staff. While there was no permit found in City records for the workshop addition in 1982 to the existing single-car garage, prior contact with this applicant and the previous property owner by City staff in 1996 indicates that the structure has previously conforming rights. The conversion of the workshop to a guest quarters is consistent with the accessory uses permitted for single dwelling units and the development would be similar to the pattern in the surrounding neighborhood. The only new construction on site would be the addition of a 193 square foot deck that projects from the structure. Brush Management would be

implemented through alternative compliance and a right of entry permit into the adjacent City owned canyon parcel.

The current single family residence on the property has been designated historic. The property was designated historic on October 25, 2001 and given a historic site number of 504. Historically designated properties are not allowed to convert front lawn areas into parking spaces. The conversion of the structure to guest quarters will have minimal if any visual impacts on the detached structure and the site in general as viewed from the street. There is no requirement for the Historic Resource Board Design Assistance Subcommittee to review the project as staff determined that the project complies with the Secretary of the Interior's Standards for Treatment of Historic Properties. Therefore, a variance is requested to provide the two on-site parking spaces in the form of tandem parking in a zone that currently does not allow tandem parking.

The City's Multiple Species Conservation Program identifies that the proposed project is within the Multiple Habitat Planning Area (MHPA). The current MHPA boundary line is located within disturbed/developed land. City staff recommended to the wildlife agencies that the current MHPA boundary line be corrected to reflect the current line of sensitive habitat on the property. On April 7, 2004, the wildlife agencies agreed to the proposed MHPA boundary line correction. All project improvements would occur within the existing development footprint and will not encroach into any sensitive habitat. Therefore, no mitigation is required and a Negative Declaration was prepared in accordance with the California Environmental Quality Act.

On July 14, 2004, the Kensington-Talmadge Planning Committee voted 7-5 to approve the Variance for tandem parking. While the Planning Committee did not vote on the Neighborhood Use Permit, the project had been on their agenda nine (9) times in the course of the project with presentations made at four (4) separate meetings. Attachment No. 6, details the course of the project through the planning committee recommendation process and the actual vote. Staff has explained to both members of the public and Planning Committee members that the structures size is previously conforming and thus is not regulated by the current size restrictions of the zone.

Conclusion

The proposed project is the conversion of 560 square feet of an existing previously conforming workshop area to guest quarters. The project includes the new construction of a projecting deck and an MHPA boundary correction. Due to the historicity of the front single dwelling unit, a variance to allow tandem parking is requested. Staff supports the project as being consistent with the uses allowed in the RS-1-7 and OR-1-1 zones with no impact to the designated historic site and adjacent MHPA.

ALTERNATIVES

1. Approve Neighborhood Use Permit No. 5071 and Variance No. 128476, with modifications.

2. Deny Neighborhood Use Permit No. 5071 and Variance No. 128476, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Jeannette Temple, Development Project Manager

Attachments:

1. Project Data Sheet
2. Draft Permit with Conditions
3. Draft Resolution with Findings
4. Project Plans (forwarded to Hearing Officer)
5. Notice of Public Hearing (forwarded to the Hearing Officer)
6. Community Planning Group Recommendation
7. Inspection Notice Dated August 15, 1996

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